

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NEWMONT USA LIMITED and DAWN
MINING CO.,

Plaintiff,

vs.

AMERICAN HOME ASSURANCE CO., et
al.,

Defendants.

NO. CV-09-033-JLQ

**ORDER RE: DISMISSAL WITH
PREJUDICE OF PLAINTIFFS'
CLAIMS AGAINST CENTURY
INDEMNITY COMPANY and
INSURANCE COMPANY OF
NORTH AMERICA**

BEFORE THE COURT is a Stipulated Motion to Dismiss (Ct. Rec. 698), whereby Plaintiffs, Newmont and Dawn, and Defendant **Century Indemnity Company** (Century), as successor to CIGNA Specialty Insurance Company, formerly known as California Union Insurance Company, and Defendant **Insurance Company of North America** (INA) have agreed to the dismissal of "all claims between them" with prejudice and without the award of costs. The parties Stipulated Motion to Dismiss (**ECF. No.698**) is **GRANTED**.

Upon entry of a final judgment in this matter, the Plaintiffs' First Amended Complaint (ECF. No. 241) and the claims therein, against Century and INA, shall be finally **DISMISSED** with prejudice and without the award of costs to any party to the Stipulation.

The moving Defendants remain parties to this action as cross-claimants or cross-defendants.

As a result of this Order, the following pending motions are now MOOT: **ECF. Nos. 503; 507; 519; 580; and 583**. The Clerk of the Court shall **TERMINATE** these motions.

1 Because other non-settling Defendant insurers have joined in these settling
2 Defendants' motions for summary judgment (ECF. Nos. 612, 615, and 641), these
3 motions shall remain pending. Responses to these motions shall address the issues as
4 they relate to the non-settling defendants who have joined therein.

5 **IT IS SO ORDERED.** The Clerk of this court shall enter this Order and forward
6 copies to counsel for all parties.

7 Dated this 14th day of March, 2011.

8 s/ Justin L. Quackenbush
9 JUSTIN L. QUACKENBUSH
10 SENIOR UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28